

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11726 OF 2015

M/s. JK Surface Coatings Pvt. Ltd. ... Petitioner

Vs

1. Hon. Maharashtra Sales Tax Tribunal
& Ors. ... Respondents

Mr. C.B. Thakkar for the Petitioner.

Mr. P.G. Sawant, AGP, for the Respondents.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

TUESDAY, 01ST DECEMBER, 2015

P.C. :

1. After the matter was heard for some time, Mr. Thakkar, on instructions, seeks leave to withdraw the writ petition, but prays that the time to deposit the amount of Rs.10 lakhs be extended.

2. In the order under challenge, the petitioner was given time till 28th November, 2015. That time has already expired. In the event the petitioner deposits the sum directed by way of part-payment within six

weeks from today, the respondent / Revenue shall not recover the amount of tax during the pendency of the appeal before the First Appellate Authority. In the event of any non-compliance of this direction, all consequences of law shall follow. In order to enable the petitioner to comply with this direction, we direct the Revenue not to take any coercive steps for a period of six weeks from today. Petition is disposed of as withdrawn. The First Appellate Authority, on compliance, shall decide the appeal on its own merits and in accordance with law, uninfluenced by any tentative and *prima facie* observations in its interim order and also that of the Tribunal.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.